

EXHIBIT 2

**TO DIAMOND A RANCH, WESTERN DIVISION L.L.C. AND
GUADALUPE RANCH CORPORATION MOTION FOR LEAVE TO INTERVENE
AND BRIEF IN SUPPORT**

DECLARATION OF SAGE GOODWIN
(Pursuant to 28 U.S.C. § 1746)

SAGE A.L.

I, GOODWIN, am over the age of 21 and fully competent to make this declaration.

Under penalty of perjury, I declare the following based on my personal knowledge:

1. I am the ^{business} manager of The Diamond A Ranch, Western Division L.L.C. and Guadalupe Ranch Corporation (collectively, the “Ranch”).

2. The Ranch is located in remote mountain country on the border of Arizona, Mexico, and New Mexico, where the American Rockies come closest to Mexico’s Sierra Madre. It is a working ranch with a family in residence who are committed to preserving the land in an unspoiled and sustainable state. Their success so far has made the Ranch a prime candidate location for the return of jaguars to the United States.¹

3. In late 2020, the Department decided to build a section of border wall all along the ranch’s southern boundary. The Ranch is a strong supporter of border security measures, but it believed that the steep slopes in this region were already deterring illegal entry and create a risk of harm to the Ranch’s economic and environmental interests. It intended to make these points if the Department followed its longstanding practice of seeking a right of entry to intrude on Ranch land during construction.

4. But by December 2020, the Department had no time for legal niceties. It asked for no consent and sought no right of entry. It simply started blasting and bulldozing. It may have hoped to keep the effects of construction within the 60-foot Roosevelt easement, but the rugged terrain made that impossible. In the end, the Department blasted rocks the size of Volkswagens plus tons of dirt out of the federal easement and downslope onto Ranch pastureland. The

¹ “Why a new jaguar sighting near the Arizona-Mexico border gives experts hope,” National Geographic, March 23, 2021, last seen April 7, 2024 at <https://www.nationalgeographic.com/animals/article/jaguar-near-arizona-border-wall-mexico>.

Department also began but did not finish a structure that serves no border enforcement purpose but blocks Guadalupe Creek, the ranch's main streambed. This blockage creates a severe risk of heavy flooding in any significant rainstorm, a risk that will be made worse by the tons of soil displaced by construction and left exposed to erosion on steep slopes above Guadalupe Creek. The expected flooding is likely in turn to destroy the ranch's one reliable road -- the family's only practical route to the outside to access supplies and medical care.

5. Faced with these intrusions and harms, the ranch sued in federal district court in the District of Columbia, *Diamond A Ranch L.L.C. v. Wolf*, Civ. No. 20-3478 (DDC), arguing that the government's unilateral intrusions were a violation of due process. In 2021, the Department opened negotiations to settle the lawsuit by agreeing to remediate the damage done to the Ranch. An agreement in principle was reached this year that the Department would broadly remediate flooding and erosion risks caused by its construction using approximately \$10 million in funds from the FY 2020 and 2021 appropriations. After this Court entered its injunction on March 8, 2024. Mem. Op. & Order at 56 (ECF No. 128) ("the Order"), the Department informed the Ranch that it construes the Order as preventing the use of FY 2020 and 2021 funds to remedy construction damage. No other funds are available for such remediation; in particular, the Department did not request or receive funds for that purpose from Congress in the most recent appropriation covering FY 2023.

6. It therefore appears that the Court's disposition of the above-referenced case is as a practical matter impairing the Ranch's ability to protect its interest in obtaining an adequate remedy for the Department's violations of law during the border wall construction. Given the adversity and difference in institutional interests between the Ranch and the Department, the Ranch cannot rely on the Department to adequately represent the Ranch's interest and it therefore

seeks leave to intervene for the limited purpose of requesting a clarification or modification of the Order.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on April 10 2024

SAGE A.V. GOODWIN 
[Name]